THE BOMBAY SHILOTRI RIGHTS (KOLABA) ABOLITION ACT, 1955.

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BOMBAY ACT No. XLVII OF 1955.[1]

[THE BOMBAY SHILOTRI RIGHTS (KOLABA) ABOLITION ACT, 1955.]

[*2nd December 1955*]

An Act to abolish the Shilotri Rights prevailing in the district of Kolaba in the State of Bombay.

WHEREAS it is expedient to abolish the right to levy shilotri maund enjoyed by shilotridars in the district of Kolaba in the State of Bombay and to provide for other consequential and incidental matters hereinafter appearing ; It is hereby enacted in the Sixth Year of the Republic of India as follows, namely :—

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Shilotri Rights (Kolaba) Abolition Act, 1955.

(*2*) It extends to the district of Kolaba in the State of Bombay.

(*3*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint in this behalf.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

(*1*) " appointed date " means the date on which this Act comes into force ;

Bom. V of 1879.

(*2*) " Code " means the Bombay Land Revenue Code, 1879 ;

(*3*) " Mamlatdar " includes a Mahalkari ;

(*4*) " prescribed " means prescribed by rules made under this Act ;

(*5*) " shilotridar " means the holder of a shilotri right ;

(*6*) " shilotri maund " means a fixed quantity of rice or paddy commonly known as " Shilotri man " in the district of Kolaba leviable by a shilotridar as an incident of shilotri right from every bigha or acre of land embanked or reclaimed from the sea commonly known as ' shilotri land ' or ' khar ' in the district of Kolaba ;

(*7*) " shilotri right " means a customary right to levy shilotri maund ;

(*8*) the other words and expressions used but not defined in this Act shall have the meanings assigned to them in the Code.

Abolition of shilotri rights.

3. (*1*) Notwithstanding any custom or usage or anything contained in any grant, sanad or decree or order of a court or any other instrument, with effect from and on the appointed date—

(*a*) all shilotri rights with all their incidents shall be deemed to have been abolished, and

(*b*) the right of a shilotridar to levy or collect a shilotri maund shall be deemed to have been extinguished.

(*2*) Nothing in sub-section (*1*) shall in any way affect the liability of any person to pay to the shilotridar the shilotri maund in respect of any land for the year ending on the 31st day of July 1955 or for any previous year.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1955, Part V, page 24.

Commuted value of shilotri maund to be paid to shilotridar as compensation.

4. (*1*) Every person, who immediately before the appointed date, held any land subject to the shilotri right of a shilotridar, shall be liable to pay to the shilotridar by way of compensation the commuted value of the shilotri maund.

(*2*) The amount of such commuted value shall be equal to three times the average of the value of the shilotri maund collected by or due to the shilotridar during the three years immediately preceding the appointed date. Such amount shall be determined and paid in the manner provided in sub-sections (*4*) and (*5*).

(*3*) The shilotridar shall make an application in the prescribed form to the Mamlatdar within six months from the appointed date for determining the commuted value of the shilotri maund.

(*4*) On receipt of such application, the Mamlatdar shall issue notice in the prescribed manner to the person liable to pay such commuted value and to the shilotridar and after holding a formal inquiry under Chapter XII of the Code shall determine the amount of the commuted value of the shilotri maund and record his decision accordingly.

(*5*) If the amount of commuted value determined under sub-section (*4*) is not paid to the shilotridar within the prescribed period, it shall be recoverable as an arrear of land revenue. The amount so recovered shall be paid to the shilotridar.

Appeal against the decision of the Mamlatdar.

5. (*1*) If any person is aggrieved by the decision of the Mamlatdar under sub-section (*4*) of section 4, such person, may appeal to the Collector within a period of sixty days from the date of such decision.

(*2*) Save as otherwise provided in this Act, the provisions of Chapter XIII of the Code shall apply to the appeals to the Collector under this Act, as if the Collector were the immediate superior of the Mamlatdar.

Finality of decision of Mamlatdar and Collector.

6. The decision of the Mamlatdar under sub-section (*4*) of section 4 subject to an appeal to the Collector and the decision of the Collector on the appeal shall be final and shall not be questioned in any suit or proceeding in any court.

Inquiries or proceedings to be judicial proceedings.

7. All inquiries and proceedings before the Mamlatdar and the Collector under this Act shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code. XLV of 1860.

Rules.

8. The State Government may, subject to the condition of previous publication, make rules for the purposes of carrying out the provisions of this Act. Such rules when finally made shall be published in the *Official Gazette*.